

REMARKS

STATUS OF CLAIMS

Claims 21, 23, 29, and 31 have been amended.

No claims have been added, cancelled, or withdrawn.

Claims 1-35 are pending in the application.

DISCUSSION OF AMENDMENT UNDER RULE 312

The Applicant proposes to amend Claims 21, 23, 29, and 31 to correct typographical errors that were inadvertently included in the previous amendment that added those claims. Specifically, in Claims 21 and 23, "Layer 21" is changed to "Layer 2," and in Claims 29 and 31, "Layer 29" is changed to "Layer 2." Because these amendments merely correct typographical errors, whose correction is self-evident from the claims themselves (i.e., there is no such thing as "Layer 21" or "Layer 29" in the 7 layer OSI model, and because Claims 21, 23 and 29, 31 parallel Claims 2, 4 that correctly read "Layer 2"), further substantive reconsideration of Claims 21, 23, 29, and 31 is not required.

MPEP §714.16 states that amendments that add new claims after allowance must be accompanied by remarks that fully and clearly state the reasons on which reliance is placed to show:

- (A) why the amendment is needed;
- (B) why the proposed amended or new claims require no additional search;
- (C) why the claims are patentable; and
- (D) why they were not presented earlier.

Each of these items is addressed below.

(A) WHY THE AMENDMENT IS NEEDED

The amendment is needed to correct four inadvertent errors in which a reference to "Layer 2" was incorrectly recited as either a reference to "Layer 21" (in Claims 21 and 23) or to "Layer 29" (in Claims 29 and 31). The reference to "Layer 2" is to one particular layer in the seven layer OSI model, and therefore the incorrect references to "Layer 21" and "Layer 29" are inconsistent with the OSI model that does not include either a "Layer 21" or a

“Layer 23.” That the correct reference is “Layer 2” instead of either “Layer 21” and “Layer 23” is evident from independent Claims 19 and 20 from which Claims 21 and 23 and Claims 29 and 31 depend, respectively, as well as from the corresponding method claims (Claims 2 and 4) and computer-readable medium claims (Claims 11 and 13) that correctly refer to “Layer 2.”

(B) WHY THE PROPOSED AMENDED OR NEW CLAIMS REQUIRE NO ADDITIONAL SEARCH

As amended, Claims 21, 23, 29, and 31 recite the same features as in method Claims 2 and 4 and computer-readable medium Claims 11 and 13. Therefore, no new search is needed since these features of Claims 21, 23, 29, and 31 have been searched as part of the examination of Claims 2, 4, 11, and 13.

(C) WHY THE CLAIMS ARE PATENTABLE

The amended claims are patentable for the same reasons given in Applicants’ prior correspondence in this prosecution and because the amendment herein does not substantively change the scope of the claim. In particular, Claims 21, 23, 29, and 31 as amended include the same features as Claims 2, 4, 11, and 13, and therefore Claims 21, 23, 29, and 31 are allowable for the same reasons as Claims 2, 4, 11, and 13.

(D) WHY THEY WERE NOT PRESENTED EARLIER

The claims as amended herein were not earlier presented because the Applicants first identified the inadvertent typographical errors that are corrected herein upon reviewing the claims as allowed in response to receiving the Notice of Allowance.

CONCLUSION

For the foregoing reasons, entry and allowance of the amendments presented by this amendment is respectfully requested.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the consideration and entry of the amendments presented herein.

To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner for Patents, Mail Stop ISSUE FEE, P.O. Box 1450, Alexandria, VA 22313-1450.

on

2/17/05

by

Dan Fias